

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

**FRANK TITUS AVIGNONE
XXX-XX-9679
3504 FLINTSTONE DRIVE
PLANO, TEXAS 75074**

**SARAH SIEG AVIGNONE
XXX-XX-4933**

DEBTORS

§
§
§
§
§
§
§
§
§
§

CASE NO. 14-41587-R

CHAPTER 13

FILED
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF TX
2015 AUG 25 AM 11:38
CLERK, U.S. BANKRUPTCY
COURT
BY _____ DEPUTY

**FIRST AMENDED MOTION TO ALLOW LATE FILING OF PROOF OF CLAIM AND
TO DEEM SUCH PROOF OF CLAIM TIMELY FILED**

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW, Tessa S. Bromley (hereinafter referred to as "Bromley") and hereby moves the Court for an Order pursuant to 11 U.S.C. §501 and Bankruptcy Rules 3002 and 9006 allowing the late filing of a Proof of Claim and requesting that said Proof of Claim be treated as timely filed. In support of said Motion, Tessa S. Bromley would respectfully show as follows:

I.

Debtor filed a voluntary petition under 11 U.S.C. Chapter 13 on or about July 28, 2014.

II.

Debtor's Section 341 Meeting of Creditors was held on September 11, 2014.

III.

The Statutory Bar Date for the filing of claims was set by the Court as December 10, 2014. The Governmental Unit Bar Date was set as January 26, 2015.

IV.

Bromley failed to have a "*Proof of Claim*" filed by the Statutory Bar Date. This was not a result of conscious indifference, but rather mistake or omission. Bromley had no notice that a

“Proof of Claim” had not been received and/or filed by the Clerk, until receipt of the *“Trustee’s Recommendation Concerning Claims,”* on or about April 22, 2015. Bromley was then notified, based on the recommendation that the claim not be paid due to failure to file a claim, that a *“Proof of Claim”* had never been filed. Bromley subsequently late-filed the *“Proof of Claim”* on May 7, 2015.

V.

Bromley is an unsecured creditor of Debtor based upon Debtor’s breach of contract with regard to a Contract for legal services between Debtor and Bromley dated October 28, 2013 as filed with the *“Proof of Claim.”*

VII.

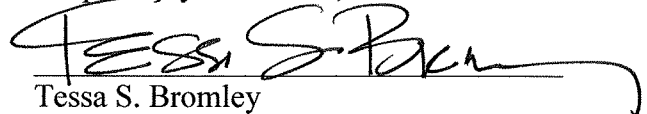
Debtor is not disputing the *“Proof of Claim”* as filed on May 7, 2015.

VIII.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

WHEREFORE, PREMISES CONSIDERED, Bromley respectfully prays that the Court enter an Order treating the above-referenced claim as timely-filed, and for such other and further relief, general or special, at or in equity, to which she may show herself justly entitled.

Respectfully Submitted,



Tessa S. Bromley

PO Box 173

McKinney, Texas 75070

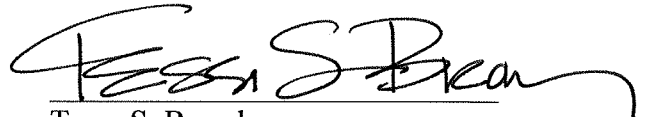
Phone: 214.298.8830

Fax: 972.542.0883

CERTIFICATE OF SERVICE

This is to hereby certify that a true and correct copy of the above and foregoing First Amended Motion to Allow Late-Filing of Proof of Claim and to Deem Such Proof of Claim Timely Filed has been forwarded via United States' regular mail or electronically, to the parties listed below on this, the 25th day of August, 2015.

- X Jana Countryman
PO Box 941166
Plano, Texas 75094-1166
- X Louis Shaff
PREVOST & SHAFF
1518 Legacy Drive, Suite 260
Frisco, Texas 75034
- X All parties as set forth on the attached service list


Tessa S. Bromley

ARS National Service
PO Box 463023
Escondido, CA 92046-3023

AT&T
PO Box 630060
Dallas, TX 75263

AT&T Mobility
c/o CCS
Two Wells Ave.
Newton, MA 02459-3225

AT&T Mobility II, LLC
% AT&T Services, Inc.
Karen Cavagnaro, Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Auberback Albert & Gold
12801 Central Expwy
Dallas, TX 75243-1716

Frank Titus Avignone IV
3504 Flintstone Dr.
Plano, TX 75074-7774

Sarah Sieg Avignone
3504 Flintstone Dr.
Plano, TX 75074-7774

Benjamin Albritton
8411 Preston Rd., Ste 675
Dallas, TX 75225-5507

Blake Mitchell
17103 Preston Rd., Ste. 288
Dallas, TX 75248-1372

CACH, LLC
4340 S. Monaco St.
2nd Floor
Denver, CO 80237-3485

Collin County Tax Assessor/Collector
c/o Gay McCall Isaacks et al
777 E. 15th St.
Plano, TX 75074-5799

Citibank South Dakota, NA
701 E. 60th St. North
Sioux Falls, ND 57104—0493

Copper Beach
1051 Southern Dr.
Columbia, SC 29201-5189

Janna Countryman
PO Box 941166
Plano, TX 75094-1166

Credit Collection Services
3451 Harry S. Truman Blvd.
St. Charles, MO 63301-4047

Credit Systems, Inc.
1485 Garent of the Gods Rd., Ste. 120
Colorado Springs, CO 80907-3305

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Dept. of Education
PO Box 530210
Atlanta, GA 30353-0210

FIA Card Services
2727 Paces Ferry Rd.
Once Paxes West, 14th Floor
Atlanta, GA 30339-4053

Frank Titus Avignone III
6657 North Trennola Dr.
Columbia, SC 29206-2141

Green Planet Servicing
321 Research Pkwy, Ste.303
Meriden, CT 06450-8342

Internal Revenue Services-SP
PO Box 7346
Philadelphia, PA 19101-7346

J.A. Cambece Law Office
200 Cummings Park, Ste.1730
Beverly, MA 01915-6190

Lawrence Sieg
3504 Flintstone Dr.
Plano, TX 75074-7774

Lisa Avignone
4121 Burnhill Dr.
Plano, TX 75024-7308

Lisa Avignone-Potter
4121 Burnhill Dr.
Plano, TX 75024-5930

Mark J. Blotky, MD
8226 Douglas Ave. Ste.805
Dallas, TX 75225-5930

Mark J. Blotsky, MD
8226 Douglas Ave., Ste. 805
Dallas, TX 75225-5930

McCarthy, Burgess & Wolff
26000 Cannon Rd.
Cleveland, OH 44146-1807

McCurley, Orsinger, McCurley, Nelson
5950 Sherry Ln., 8th Floor
Dallas, TX 75225-6533

Midland Credit Management
8875 Aero Dr., Ste. 200
San Diego, CA 92123-2255

Midland Credit Management
PO Box 60578
Los Angeles, CA 90060-0578

National Enterprise Systems
29125 Solon Road
Solon, OH 44139-3442

Prevost & Shaff
1518 Legacy Dr., Ste. 260
Frisco, TX 75034-6042

Second Round, LP
PO Box 41955
Austin, TX 78704-0033

Louis Shaff
Prevost & Shaff
1518 Legacy Dr., Ste. 260
Frisco, TX 75034-6042

Tate & Kirlin Associates
2810 South Hampton Rd.
Philadelphia, PA 19154-1207

Teresa Clark Evans
Quillin Selander
2001 Bryan St., Ste. 1800
Dallas, TX 75201-3071

Tessa Bromley
Attorney at Law
PO Box 173
McKinney, TX 75070-8133

Texas Child Support
PO Box 959791
San Antonio, TX 78265

US Attorney General
Dept. of Justice
Main Justice Bldg.
10th & Constitution Ave., NW
Washington, DC 20530-0001

US Dept. of Education
PO Box 530210
Atlanta, GA 30353-0210

US Dept. of Education
PO Box 530229
Atlanta, GA 30353-0229

US Trustee
Office of the US Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702-7231

Wells Fargo Auto
PO Box 29704
Phoenix, AZ 85038-9704

Wells Fargo Auto Finance
PO Box 29706
Phoenix, AZ 85038-9706

Wells Fargo Bank, NA
435 Ford Rd., Ste. 300
St. Louis Park, MN 55426-4938

Zwicker & Associates
80 Minuteman Rd.
Andover, MA 01810-1008